

**Amendments to the Drawings:**

Please add Figures 8 and 9 as provided in the attached new drawing sheet.

Attachment: New Sheet

**REMARKS**

Claims 48, 50, 62 and 64 are currently amended, as are the specification and drawings. Claims 75-85 are new.

Upon entry of the present response, the status of the claims are as follows:

1-19, 49, 53, 63 and 66 are canceled;

20-47 are withdrawn; and

48, 50-52, 54-62, 64-65, and 67-85 are pending and await further consideration.

It is respectfully submitted that no new matter has been added. Specifically, support for these new claims and amendments is found at least at US patent 5,601,435 to which the present application claims priority and which is incorporated by reference into the present application. The amendments to the drawings and specification merely expressly add the specification and drawings of the 5,601,435 patent into the present application, even though that subject matter has always been included in the present application due to its being incorporated by reference.

It is respectfully submitted that the amendments to claims 48 and 62 are submitted herewith not for the purposes of overcoming any rejection nor for any other purpose relating to patentability. Instead, Applicants' wish to pursue claims in the present application that are directed to a physiological parameter including a blood glucose level and a physiological data monitor in the form of a glucose monitor or indicator, separate from claims that may be pursued in one or more continuation applications reciting other physiological parameters and/or glucose monitors or indicators.

## SPECIFICATION

The Examiner suggested a new title, and the title has been amended accordingly.

The Examiner has objected to the disclosure, and particularly to the priority claim. The disclosure has been amended to substitute the priority claim suggested by the Examiner into the application at page 1.

## DRAWINGS

The drawings are objected to under 37 CFR 1.83(a) for not showing every feature of the invention as claimed. Figures 8 and 9 have been expressly added into the application. It is respectfully submitted that no new matter has been added. The present application claims priority to US patent 5,601,435 and incorporates US patent 5,601,435 by reference. Figures 8 and 9 are identical to Figures 1 and 2 of US patent no. 5,601,435, except for changing reference numerals and figure numbers. Thus, reconsideration and withdrawal of the objection is respectfully requested.

## REJECTION UNDER 35 USC 112, SECOND PARAGRAPH

Claims 48-74 are rejected under 35 USC 112, second paragraph, as being indefinite. It is submitted that the amendments to the specification and claims have overcome this rejection.

### REJECTION UNDER 35 USC 102

Claims 51 and 52 are rejected under 35 USC 102(b) as being anticipated by US patent no. 5,307,263. This rejection is respectfully traversed for the following reasons.

Claim 51 recites "an interface coupled between the blood glucose monitor and the processor ... configured to isolate electrically the user from the processor". This feature is not disclosed in US patent 5,307,263, which therefore does not anticipate claim 51.

Claim 52 is allowable as being dependent from claim 51. Moreover, claim 52 recites that the interface utilizes optical isolation. This feature is also not disclosed in US patent 5,307,263 which therefore does not anticipate claim 52 for this addition reason.

It is submitted that the rejection under 35 USC 102(b) should be withdrawn for the above reasons. Moreover, US patent 5,307,263 was not patented more than one year before the effective filing dates of claims 51 and 52. Specifically, US patent 5,307,263 issued April 26, 1994, while claims 51 and 52 have an effective filing date of November 4, 1994, which is less than one year prior to the effective filing date of the present application.

### REJECTION UNDER 35 USC 103

Claims 48-50 and 53-74 are rejected under 35 USC 103(a) as being obvious over US patent no. 5,307,263 in view of US patent no. 5,601,435. This rejection is respectfully traversed.

First, US patent 5,601,435 is not prior art. Each of claims 24-50 and 53-74 claims priority to and is fully supported by US patent 5,601,435. Therefore the

5,601,435 patent was neither filed nor published before Applicants' effective filing date, and is not available as prior art citable against the present application.

Second, Applicants' invention is patentably distinct from that which is disclosed at US patent 5,307,263. Specifically, each of claims 48-50 and 53-74 is allowable for at least the same reason as claim 51.

#### NEW CLAIMS

New claims 75-85 are allowable, because these claim priority to and are fully supported by US patent 5,601,435 which is therefore not prior art. Moreover, each of claims 75-85 recites a multimedia processor comprising a multiplayer and having an interface device coupled thereto which is not disclosed at US patent 5,307,263.

#### CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Dated: October 17, 2005

Respectfully submitted,

By 

Scott W. Cummings

Registration No.: 41,567

PATTON BOGGS LLP

8484 Westpark Drive, 9th Floor  
McLean, Virginia 22102

Attorney for Applicant